

**REGULAR MEETING
MARCH 21, 2002**

The Ashland Board of Commissioners met in Regular Session in the Commission Chambers, City Building, Ashland, Kentucky, on Thursday, March 21, 2002, at the hour of 7:00 PM. Those present were Commissioners: Larry Brown, Kevin Gunderson, W. Russell Powell, Polly Rideout and Mayor Paul Reeves, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Deborah Musser, City Clerk; Mark Osborne, Fire Chief; Tom Kelley, Chief of Police; Tony Grubb, Finance Director; Steve Corbitt, Director of Public Services; Jim Shaw, Director of Planning and Community Development; Greg Rice, Safety/Risk/Insurance Manager; Gail Melvin, Economic Development Director; Marion Russell, Assistant Director of Public Services, Bruce Craft, Recreation Division, and Reporters.

The invocation was given by Commissioner Brown.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Fisher presented the agenda of March 21, 2002. Motion was made by Brown, seconded by Rideout, to receive and file the agenda. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

HEARINGS AND REPORTS

City Manager's Report –

- (1) City Manager Fisher informed the Commission a boil water advisory had been issued due to the higher turbidity that creates more opportunity for bacteria. The advisory is not the same level as a warning. Samples have been sent for tests down state and results will be available by noon (tomorrow).
- (2) Economic Development Director Gail Melvin gave her monthly report including business contacts, progress with the Quiet Zone and preparation of ads on property available. There was some discussion about combining loan programs available for businesses to make it easier and more convenient for owners.

PUBLIC PARTICIPATION

William Hensley, 5237 Vanbibber Court, Vice-President of FOP Lodge #3, presented the Commission with the contract ratified by APD members at the March 14th meeting for collective bargaining. It was determined the contract was different from the one being discussed by the City Manager and FOP Representative Chuck Leadingham. The FOP requested negotiations with the City Manager at least twice weekly and come back within 1 month. The Committee designated includes: William Hensley, Chuck Leadingham, Lisha Branham, William Bare and Rodney Bowling with at least 3 being present during negotiations. City Manager Fisher explained he had been meeting with Chuck Leadingham per the notification from FOP President Bill Ramsdell that Chuck Leadingham was the designated representative. The Commissioners stated they would need to read the proposed contract and could not take formal action tonight. Corporation Counsel Martin was designated to meet with the City Manager and FOP representatives once a week. The first meeting is to be devoted to the discussion of key issues.

Betty Clair, 3032 Carter Avenue, informed the Commission she was having a problem with dogs at her granddaughter's bus stop. Director of Public Services Corbitt will inform animal control and have an officer there at 7:05 AM tomorrow.

Terry Tomondi, 3101 13th Street, addressed the Commission about the need for a dog park in Ashland. Mr. Tomondi was invited to the Riverfront Park Committee meeting for her input.

REGULAR MEETING MARCH 21, 2002
PUBLIC PARTICIPATION CONTINUED

John Dyer, 636 Pollard Road, reported to the Commission about a flooding incident and damage at his residence due to a drainage problem. Mr. Dyer explained he had a similar incident on August 10 and filed an insurance claim which was denied. Mr. Dyer was instructed to file a new insurance claim.

OLD BUSINESS
TABLED

ORDINANCE NO. _____, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY,
AUTHORIZING AND DIRECTING PAUL R. REEVES,
MAYOR, TO EXECUTE A LETTER OF AGREEMENT
CONSENTING TO THE ASSIGNMENT OF VERIZON SOUTH
INC. TO KENTUCKY ALLTEL, INC.

MOTION TO TABLE

Motion was made by Powell, seconded by Brown, to table Ordinance No. _____, 2002 until the next regular meeting. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 31, 2002

AN ORDINANCE OF THE CITY OF ASHLAND,
KENTUCKY, AUTHORIZING AND DIRECTING PAUL
R. REEVES, MAYOR, TO EXECUTE AN AGREEMENT
BETWEEN THE CITY OF ASHLAND AND SCOTT L.
AND KIMBERLY JENKINS REGARDING AN
ENCROACHMENT FOR A FENCE AT 2636 IROQUOIS
AVENUE ON THE CITY=S RIGHT-OF-WAY.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Ashland Board of City Commissioners hereby authorizes and directs Paul R. Reeves, Mayor, to execute an agreement between the City of Ashland and Scott L. and Kimberly Jenkins regarding an encroachment for a fence using a portion of the City=s right-of-way. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

REGULAR MEETING MARCH 21, 2002
ORDINANCE NO. 31, 2002 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: March 7, 2002
READOPTED BY THE BOARD OF COMMISSIONERS: March 21, 2002
PUBLISHED:

MOTION

Motion was made by Powell, seconded by Rideout, to adopt Ordinance No. 31, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 32, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND MOUNTAIN ENTERPRISES, INC. FOR THE PURCHASE OF ALL LABOR, MATERIALS, EQUIPMENT AND SERVICES FOR THE PLACEMENT AND REPLACEMENT OF BITUMINOUS ASPHALT MATERIAL FOR THE 2002 STREET PAVING PROGRAM FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISION OF STREETS.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Mountain Enterprises, Inc., P. O. Box 13070, Lexington, Kentucky, for the purchase of all labor, materials, equipment and services for the placement and replacement of bituminous asphalt material for the 2002 street paving program for the Department of Public Services, Division of Streets, in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 7, 2002
READOPTED BY THE BOARD OF COMMISSIONERS: March 21, 2002
PUBLISHED:

REGULAR MEETING MARCH 21, 2002
ORDINANCE NO. 32, 2002 CONTINUED

MOTION

Motion was made by Rideout, seconded by Brown, to adopt Ordinance No. 32, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 33, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY,
AUTHORIZING AND DIRECTING PAUL R. REEVES,
MAYOR, TO EXECUTE A LEASE AGREEMENT BETWEEN
THE CITY OF ASHLAND, KENTUCKY AND MOTIENT
COMMUNICATIONS, INC. REGARDING THE ANTENNA
SITE LEASE ON THE 13TH STREET RESERVOIR PROPERTY.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a lease agreement between the City of Ashland, Kentucky and Motient Communications, Inc. regarding the antenna site lease on the 13th Street reservoir property. A copy of said lease agreement is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 7, 2002
READOPTED BY THE BOARD OF COMMISSIONERS: March 21, 2002
PUBLISHED:

MOTION

Motion was made by Gunderson, seconded by Rideout, to adopt Ordinance No. 33, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

REGULAR MEETING MARCH 21, 2002
ORDINANCE NO. 34, 2002

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 34, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REPEALING ORDINANCE NO. 1, SERIES OF 2002, WHICH AUTHORIZED THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND LIGHT'S ENTERPRISES, INC. REGARDING THE DEMOLITION OF PROPERTY AT 3028 CARTER AVENUE.

WHEREAS, the property located at 3028 Carter Avenue was not demolished by Light's Enterprises, Inc.;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 1, Series of 2002, is hereby repealed.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/PAUL R. REEVES
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 7, 2002
READOPTED BY THE BOARD OF COMMISSIONERS: March 21, 2002
PUBLISHED:

MOTION

Motion was made by Brown, seconded by Gunderson, to adopt Ordinance No. 34, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 35, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE CITY OF ASHLAND, KENTUCKY MEDICAL CARE PLAN, PLAN DOCUMENT AND SUMMARY PLAN DESCRIPTION AS ADOPTED BY ORDINANCE NO. 65, SERIES OF 2001, AND REPEALING ORDINANCE NO. 101, SERIES OF 2001.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 101, Series of 2001, is hereby repealed.

REGULAR MEETING MARCH 21, 2002
ORDINANCE NO. 35, 2002 CONTINUED

SECTION 2. That the Board of City Commissioners of the City of Ashland, Kentucky hereby amends the City of Ashland, Kentucky Medical Care Plan, Plan Document and Summary Plan Description as adopted by Ordinance No. 65, series of 2001. Said amended pages are attached hereto and made a part hereof by reference.

SECTION 3. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 7, 2002
READOPTED BY THE BOARD OF COMMISSIONERS: March 21, 2002
PUBLISHED:

MOTION

Motion was made by Powell, seconded by Rideout, to adopt Ordinance No. 35, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

CONSENT AGENDA

RESOLUTION NO. 13, 2002

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **MARCH 21, 2002.**

* * * * *

BE IT RSOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the "Consent Agenda" for the meeting of **March 21, 2002.** Attached hereto and incorporated herein, as if set out in full, is a copy of the "Consent Agenda" hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/PAUL R. REEVES
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

REGULAR MEETING MARCH 21, 2002
RESOLUTION NO. 13, 2002 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: March 21, 2002

MOTION

Motion was made by Brown, seconded by Powell, to adopt Resolution No. 13, 2002. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

NEW BUSINESS
FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 2 DATED MARCH 5, 2002, BETWEEN THE CITY OF ASHLAND, KENTUCKY AND BILL ENYART & SONS CONTRACTING, INC. FOR A CONTRACT DATED APRIL 20, 2001 REGARDING THE WATER TREATMENT PLANT – TRANSMISSION MAIN PROJECT.

MOTION

Motion was made by Powell, seconded by Brown, to adopt Ordinance No. _____, 2002 at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

READING ONLY

ORDINANCE NO. _____, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ESTABLISHING AN ANNUAL EVALUATION OF THE CITY MANAGER’S JOB PERFORMANCE.

Ordinance died for lack of a motion.

READING & ADOPTION

RESOLUTION NO. 14, 2002

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING THE ASHLAND POLICE DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE FOR BULLETPROOF VESTS UNDER THE BULLETPROOF VEST PARTNERSHIP GRANT ACT.

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BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:
SECTION 1. That Paul Reeves, Mayor, is hereby authorized and directed to submit a Grant Application on behalf of the Ashland Police Department for bulletproof vests under the Bulletproof Vest Partnership Grant Act. A copy of said application is attached hereto and made a part hereof by reference. The application will be submitted electronically to the Bureau of Justice Assistance.

REGULAR MEETING MARCH 21, 2002
RESOLUTION NO. 14, 2002 CONTINUED

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/PAUL R. REEVES
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 21, 2002

MOTION

Motion was made by Rideout, seconded by Gunderson, to adopt Resolution No. 14, 2002. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

DISCUSSION ITEM

Request for limited use of public right-of-way by John Potts at 2932 Winchester Avenue – No action will be taken until Mr. Potts is able to attend a meeting.

EXECUTIVE SESSION

Motion was made by Gunderson, seconded by Powell, to go into Executive Session at 8:00 PM to discuss property acquisition and pending litigation. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

RECONVENED

The meeting reconvened at 8:45 PM and Mayor Reeves announced that the only items discussed were property acquisition and pending litigation with no final action taken.

ADJOURNMENT

Mayor Reeves declared the meeting recessed at 8:46 PM until March 28, 2002 at 4:00 PM.

PAUL R. REEVES, MAYOR

ATTEST:

DEBORAH MUSSER
CITY CLERK